

EXHIBIT 8

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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VIDEOTAPED 30(b)(6) DEPOSITION OF
UNITED STATES CENSUS BUREAU
through the testimony of
Kendall Oliphant
September 27, 2023
9:39 a.m.

Reported by: Bonnie L. Russo
Job No. 6097939

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		Page 2	Page 4	
1	Videotaped 30(b)(6) Deposition of	1	APPEARANCES (CONTINUED):	
2	United States Census Bureau through the	2		
3	testimony of Kendall Oliphant held at:	3	Also Present:	
4		4	Michael A. Cannon, United States Department of	
5		5	Commerce, Chief Counsel for Economic Affairs	
6	Paul, Weiss, Rifkind, Wharton & Garrison, LLP	6	Sam Whitthorne, DOJ, Paralegal	
7	2001 K Street, N.W.	7	Claire Cushman, DOJ, Paralegal	
8	Washington, D.C.	8	Orson Braithwaite, Videographer	
9		9		
10		10	Also Present Via Remotely:	
11		11	Rachel Zwolinski, United States Department of	
12		12	Justice	
13		13		
14		14		
15		15		
16		16		
17		17		
18	Pursuant to Notice, when were present on behalf	18		
19	of the respective parties:	19		
20		20		
21		21		
22		22		
		Page 3	Page 5	
1	APPEARANCES:	1	I N D E X	
2		2	EXAMINATION OF KENDALL OLIPHANT	PAGE
3	On behalf of the Plaintiffs:	3	BY MS. GOODMAN	10
4	VICTOR LIU, ESQUIRE	4	BY MR. LIU	109
5	KATHERINE CLEMONS, ESQUIRE	5		
6	ALVIN CHU, ESQUIRE	6		
7	UNITED STATES DEPARTMENT OF JUSTICE	7		
8	450 Fifth Street, N.W.	8	EXHIBITS	
9	Washington, D.C. 20530	9		
10	victor.liu@usdoj.gov	10	Exhibit 145 Amendment of	22
11	katherine.clemons@usdoj.gov	11	Solicitation/Modification	
12	alvin.chu@usdoj.gov	12	of Contract	
13		13	11-21-18	
14	On behalf of the Defendant:	14	CENSUS-ADS-0000073778-786	
15	MARTHA L. GOODMAN, ESQUIRE	15	Exhibit 146 E-Mail Chain	28
16	ANNELISE CORRIVEAU, ESQUIRE	16	dated 6-25-20	
17	PAUL, WEISS, RIFKIND,	17	Attachment	
18	WHARTON & GARRISON, LLP	18	CENSUS-ADS-0000668928-941	
19	2001 K Street, N.W.	19		
20	Washington, D.C. 20006	20	Exhibit 147 E-Mail Chain	36
21	mgoodman@paulweiss.com	21	dated 4-12-18	
22	acorriveau@paulweiss.com	22	Attachment	
			CENSUS-ADS-0000475977-018	
			Exhibit 148 2020 Census Paid	47
			Media Campaign	
			Fact Sheet	
			CENSUS-ADS-0000052132-134	
			Exhibit 149 Y&R Invoices	63
			CENSUS-ADS-0000347549-692	
			Exhibit 150 Y&R Purchase Orders	78
			CENSUS-ADS-0000350928-963	

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1	EXHIBITS (CONTINUED):		1	PROCEEDINGS
2	Exhibit 151 Y&R Invoices	84	2	(9:39 a.m.)
	CENSUS-ADS-0000316495-533		3	
3	Exhibit 152 Integrated Communications	92	4	THE VIDEOGRAPHER: Good morning.
4	Contract		5	We are going on the record at
5	Order 18		6	a.m. on September 27, 2023.
6	12-1-20		7	Please note that the microphones
	CENSUS-ADS-0000366100-354		8	are sensitive and may pick up whispering and
7	Exhibit 153 E-Mail Chain	99	9	private conversations. Please mute your phones
	dated 3-3-21		10	at this time. Audio and video recording will
	CENSUS-ADS-0000687538-586		11	continue to take place unless all parties agree
8			12	to go off the record.
9			13	This is Media Unit 1 of the
10			14	video-recorded deposition of Ms. Kendall
11			15	Oliphant in the matter of United States, et
12			16	al., versus Google LLC filed in the United
13			17	States District Court, Eastern District of
14			18	Virginia, Alexandria Division, Case
15			19	No. 1:23-cv-00108-LMB-JFA.
16			20	My name is Orson Braithwaite
17			21	representing Veritext Legal Solutions, and I am
18			22	the videographer. The court reporter is Bonnie
		Page 7		Page 9
1	PREVIOUSLY MARKED EXHIBITS:		1	Russo from the firm Veritext Legal Solutions.
2			2	Counsel will now state their
3	Exhibit 21 Award/Contract		3	appearances and affiliations for the record.
4	8-24-19		4	MS. GOODMAN: Martha Goodman of Paul
5	Exhibit 23 Order 15: Media Buying		5	Weiss for Defendant Google. I am joined by my
	Process for Census PMO		6	colleague, Annelise Corriveau.
6	Exhibit 27 E-Mail Chain dated 9-2-22		7	MR. LIU: Victor Liu from the United
7	Attachment		8	States Department of Justice on behalf of the
8	Exhibit 32 Order for Supplies or		9	United States, including the United States
9	Services		10	Census Bureau.
10	11-21-18		11	MS. CLEMONS: Katherine Clemons,
11			12	Department of Justice.
12			13	MR. CHU: Alvin Chu, Department of
13			14	Justice.
14			15	MR. CANNON: Michael Cannon, U.S.
15			16	Department of Commerce.
16			17	MR. WHITTHORNE: Sam Whitthorne,
17			18	paralegal with the Department of Justice.
18			19	MS. CUSHMAN: Claire Cushman,
19			20	paralegal with the Department of Justice.
20			21	THE VIDEOGRAPHER: Thank you.
21			22	Will the court reporter please swear
22	(Exhibits bound separately.)			

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1 whether it had a choice as to whether to 2 participate in the lawsuit brought by the 3 Department of Justice, correct?	1 knowledge? 2 A. Not to the census bureau's 3 knowledge, no.
4 MR. LIU: Objection. Form. 5 Foundation. Calls for a legal conclusion.	4 Q. What facts is the census bureau 5 aware of regarding Google's alleged 6 monopolization?
6 THE WITNESS: The census bureau 7 participates in any requests. They -- they 8 respond to requests by the Department of 9 Justice.	7 MR. LIU: Objection. Privileged. 8 To -- to the extent that you can 9 answer without revealing attorney-client 10 communications or directions of attorneys, you 11 may answer.
10 If that request turns into 11 litigation, we support them with whatever 12 documentation they need.	12 THE WITNESS: Can you clarify, 13 please.
13 BY MS. GOODMAN: 14 Q. I appreciate that you support the 15 Department of Justice with whatever documents 16 they need.	14 BY MS. GOODMAN: 15 Q. What facts, if any, is the census 16 bureau aware of regarding Google's alleged 17 monopolization other than those learned through 18 interactions with counsel?
17 My question is different which is 18 simply whether the census bureau has a choice 19 as to whether to participate in this lawsuit as 20 a federal agency for which the Department of 21 Justice is seeking money damages.	19 MR. LIU: Same objection. 20 Same instruction.
22 MR. LIU: Objection. Form.	21 THE WITNESS: None. 22 MS. GOODMAN: Let's go off the
Page 107	Page 109
1 Foundation. Calls for a legal conclusion. 2 THE WITNESS: I don't know. 3 BY MS. GOODMAN: 4 Q. Meaning the census bureau does not 5 know? 6 A. The census bureau does not know. 7 Q. Okay. When -- strike that. 8 Did the census bureau conduct any 9 investigation of alleged misconduct by Google 10 prior to its participation in this lawsuit as a 11 federal agency for which the Department of 12 Justice is seeking money damages?	1 record. 2 THE VIDEOGRAPHER: The time is 3 a.m. This ends Unit 2. We're off the record. 4 (A short recess was taken.) 5 THE VIDEOGRAPHER: The time is 6 a.m. We're on the record. 7 MS. GOODMAN: Thank you, Ms. 8 Oliphant. 9 I pass the witness. 10 MR. LIU: Thank you. Thanks, Ms. 11 Oliphant. I just have one question.
13 MR. LIU: Objection. Privilege. 14 To the extent that your answer would 15 divulge attorney-client communications or 16 directions from attorneys, I would instruct you 17 not to answer. But if your answer would not 18 divulge those things, feel free to respond.	12 EXAMINATION BY COUNSEL FOR PLAINTIFF 13 BY MR. LIU: 14 Q. Could census's subcontractors have 15 used a platform other than Google DV360 to 16 order programmatic advertising without 17 discussing it first with census?
19 THE WITNESS: Not to my knowledge, 20 no. 21 BY MS. GOODMAN: 22 Q. And not to the census bureau's	18 MS. GOODMAN: Objection to form. 19 THE WITNESS: No, they couldn't have 20 because, in their proposal for Order 15 that 21 was accepted, they specifically stated that 22 would be the platform they would use. So if

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<p>1 they used anything other than that, it would be 2 in violation of that particular contract.</p> <p>3 MR. LIU: Thank you. No further 4 questions.</p> <p>5 MS. GOODMAN: Off the record.</p> <p>6 THE VIDEOGRAPHER: The time is 7 a.m. We are off the record.</p> <p>8 (Pause.)</p> <p>9 THE VIDEOGRAPHER: The time is 10 a.m. We're on the record.</p> <p>11 MS. GOODMAN: I think we were on the 12 record for 1 hour, 59 minutes, yes?</p> <p>13 THE VIDEOGRAPHER: Yes.</p> <p>14 MS. GOODMAN: Okay. Off the record.</p> <p>15 THE VIDEOGRAPHER: The time is 16 a.m. We're off the record.</p> <p>17 (Whereupon, the proceeding was 18 concluded at 11:56 a.m.)</p>	<p>Page 110</p> <p>1 MARTHA L. GOODMAN, ESQUIRE 2 mgoodman@paulweiss.com 3 September 28, 2023 4 RE: United States, Et Al v. Google, LLC 5 9/27/2023, Kendall Oliphant (#6097939) 6 The above-referenced transcript is available for 7 review.</p> <p>8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 erratas-cs@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from 18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours, 23 Veritext Legal Solutions</p> <p>24</p> <p>25</p> <p>Page 111</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, Bonnie L. Russo, the officer before 3 whom the foregoing deposition was taken, do 4 hereby certify that the witness whose testimony 5 appears in the foregoing deposition was duly 6 sworn by me; that the testimony of said witness 7 was taken by me in shorthand and thereafter 8 reduced to computerized transcription under my 9 direction; that said deposition is a true 10 record of the testimony given by said witness; 11 that I am neither counsel for, related to, nor 12 employed by any of the parties to the action in 13 which this deposition was taken; and further, 14 that I am not a relative or employee of any 15 attorney or counsel employed by the parties 16 hereto, nor financially or otherwise interested 17 in the outcome of the action.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 113</p> <p>1 United States, Et Al v. Google, LLC 2 Kendall Oliphant (#6097939) 3 E R R A T A S H E E T 4 PAGE ____ LINE ____ CHANGE _____ 5 _____ 6 REASON _____ 7 PAGE ____ LINE ____ CHANGE _____ 8 _____ 9 REASON _____ 10 PAGE ____ LINE ____ CHANGE _____ 11 _____ 12 REASON _____ 13 PAGE ____ LINE ____ CHANGE _____ 14 _____ 15 REASON _____ 16 PAGE ____ LINE ____ CHANGE _____ 17 _____ 18 REASON _____ 19 PAGE ____ LINE ____ CHANGE _____ 20 _____ 21 REASON _____ 22 _____ 23 _____ 24 Kendall Oliphant Date 25</p>
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